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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TYCO HEALTHCARE GROUP LP and
MALLINCKRODT INC.,

Plaintiffs and
Counterclaim-Defendants,

v.

MUTUAL PHARMACEUTICAL COMPANY, INC.
and UNITED RESEARCH LABORATORIES, INC.,

Defendants and
Counterclaim-Plaintiffs.

Civil Action No.
2:07-cv-01299 (SRC)(CLW)

NOTICE OF MOTION

Motion Day: October 15, 2012

TO MUTUAL PHARMACEUTICAL COMPANY, INC. and UNITED RESEARCH LABORATORIES, INC., AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs and Counterclaim Defendants Tyco Healthcare Group LP and Mallinckrodt Inc. (collectively, "Tyco") will move before this Court at the United

States District Court for the District of New Jersey, 50 Walnut Street, Newark, New Jersey, on October 15, 2012 at 10:00 a.m., or at a date and time determined by the Court, before the Honorable Stanley R. Chesler, United States District Judge, for entry of an Order pursuant to FED. R. CIV. P. 56, granting partial summary judgment as to the Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Counts asserted by Defendants and Counterclaim Plaintiffs Mutual Pharmaceutical Company, Inc. and United Research Laboratories, Inc. ("Mutual") in their Defendant/Counterclaim Plaintiffs' Third Amended Counterclaims (D.I. 406).

PLEASE TAKE FURTHER NOTICE that Tyco relies upon the accompanying (1) Brief in Support of Its Motion for Partial Summary Judgment, (2) Statement of Undisputed Facts in Support of its Motion for Partial Summary Judgment, (3) the Declaration of Peter Strand and exhibits attached thereto in support of this motion.

PLEASE TAKE FURTHER NOTICE that a Proposed Order granting Tyco's motion is attached.

Dated: September 21, 2012

Respectfully Submitted,

s/John E. Flaherty
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the foregoing Motion for Partial Summary Judgment Based on *Noerr-Pennington* Immunity and all supporting documents were caused to be served on September 21, 2012, via ECF and electronic mail upon all counsel of record.

s/ John E. Flaherty
John E. Flaherty